

Appendix A

Initial Study, Notice of Preparation, and
Public Scoping Comments



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director of Regional Planning

Dennis Slavin
Chief Deputy Director,
Regional Planning

NOTICE OF PREPARATION OF A DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING

January 5, 2021

TO: Office of Planning and Research, Responsible Agencies, Trustee Agencies, Organizations, and Interested Parties

SUBJECT: **Notice of Preparation of a Program Environmental Impact Report and Public Scoping Meeting for the County of Los Angeles Housing Element Update**

LEAD AGENCY: County of Los Angeles

The County of Los Angeles (County) is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and intends to prepare a Program Environmental Impact Report (PEIR) for the Housing Element of the County of Los Angeles General Plan (General Plan) for the 2021–2029 planning period (Housing Element Update). The County has prepared this Notice of Preparation to provide Responsible Agencies, Trustee Agencies, organizations, and other interested parties with information regarding this project and its potential environmental effects, and **to solicit your input on the scope and content of the PEIR**. For more information on the project, please visit: <http://planning.lacounty.gov/housing>.

PROJECT DESCRIPTION: The County is updating the Housing Element of the General Plan for the 2021–2029 planning period. The Housing Element is one of the seven required elements of the General Plan per the California Government Code, beginning at Section 65583. Generally, state law mandates updates to the Housing Element every 8 years. The Housing Element serves as a policy guide to address the comprehensive housing needs of the unincorporated areas of Los Angeles County (unincorporated areas). The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites, at adequate densities and appropriate development standards, in the unincorporated areas to accommodate its fair share of the regional housing need, also known as the Regional Housing Needs Assessment (RHNA) allocation.

The Housing Element Update will consist of the following main components:

Adequate Sites Inventory

The RHNA is mandated by state law to quantify future housing growth throughout the state. This informs the local planning process by addressing existing and future housing need resulting from estimated growth in population, employment, and households. The Southern California Association of Governments (SCAG) is responsible for oversight of the RHNA process in the SCAG region, which encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 191 cities in an area covering more than 38,000 square miles. The RHNA allocation for the County for the 2021–2029 planning period is approximately 90,000 units, which is broken down by income category to accommodate the estimated growth need at various income levels. As required by state law, the Housing Element must identify the County's ability to accommodate this estimated growth through available sites and appropriate land use and zoning.

In order to demonstrate that there are enough sites within the unincorporated areas to accommodate the RHNA allocation, the Housing Element Update will include an Adequate Sites Inventory. In order to count toward the RHNA allocation, sites must meet several criteria, including residential zoning of a certain density, a minimum lot size, and that the site must be either vacant or underutilized. Underutilized means that the property is not built to its maximum capacity, so there is potential for more units on a site. If a local jurisdiction cannot demonstrate that there are enough sites to address the RHNA allocation, the local jurisdiction is required to develop a rezoning program. The rezoning ensures that there are enough sites with sufficient densities to address the housing need identified through the RHNA. As a part of the County's Housing Element Update, the County will include a rezoning program. The rezoning program aims to focus growth and density increase in the unincorporated areas with access to services and infrastructure and outside of the County's environmentally sensitive and hazardous areas.

Constraints and Barriers

Another component of the Housing Element Update is the identification and analysis of potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. The Housing Element Update will identify the specific standards and processes of these constraints and evaluate their impact on the supply and affordability of housing. This analysis will determine whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a local jurisdiction from meeting its housing needs. At a minimum, the analysis will address the following: codes and enforcement and on- and off-site improvement standards, constraints for people with disabilities, fees and exactions, land use controls, non-governmental constraints, and processing and permitting procedures. New state law requirements regarding lending, labor shortage, NIMBYism, and other private and environmental constraints will also be addressed.

Goals, Policies and Implementation Programs

The Housing Element Update will also include goals, policies, and implementation programs to address housing needs.

Goals: General statements about the desired housing outcomes expressing the community's values.

Policies: Specific statements that guide decision making.

Implementation programs: Actions for carrying out the policies of the Housing Element. Each implementation program identifies lead/partner agencies and timelines. The Department of Regional Planning partners with other County agencies that oversee housing, such as the Los Angeles County Development Authority and the Los Angeles Homeless Services Authority, for the implementation and administration of these programs.

Other Project Elements and Required Approvals

The Housing Element Update will also include the following components:

Amendments to the General Plan Land Use Element: The Land Use Legend will be amended to (1) add a minimum allowable residential density to certain land use designations; (2) establish that the allowable residential density specified by the General Commercial (CG) land use designation in the General Plan will also apply to the commercial land use designations in certain community-based plans, where such land use designations do not currently specify the allowable residential density; and (3) clarify that in designations that allow mixed uses (CR, CG, CM, MU and MU-R), the maximum Floor Area Ratio only applies to the commercial component, while the residential component is subject to the allowable density.

Amendments to Title 22 (Planning and Zoning) of the County Code: The Zoning Code will be amended to add development standards pertaining to floor area dedicated to residential use in mixed use projects in the Mixed Use Development Zone (MXD).

Completion of the Housing Element Update and the local adoption process will include various public engagement opportunities, such as a survey (<https://planning.lacounty.gov/housing/involved>), public workshops and meetings, and public hearings. The Housing Element Update must be completed within the timeframe established by the State Department of Housing and Community Development (HCD). State law requires adoption by October 15, 2021, or allows a grace period through February 12, 2022. The State Department of Housing and Community Development will review the Housing Element Update for compliance with applicable statutory provisions.

A PEIR will provide the environmental determination required by CEQA and will be adopted by the County Board of Supervisors.

PROJECT NUMBER: 2020-000606

PROJECT NAME: County of Los Angeles Housing Element Update

PLAN NUMBERS: General Plan Amendment No. RPPL2020004333, Advance Planning Project No. RPPL2020001008, Environmental Assessment No. RPPL2020001009

PROJECT APPLICANT: County of Los Angeles Department of Regional Planning

PROJECT LOCATION: Unincorporated areas of Los Angeles County; see Figure 1

PROJECT APPROVALS: The County has sole approval authority over the project. No approvals are required by other public agencies.

POTENTIAL ENVIRONMENTAL EFFECTS: The County has determined that a PEIR will be required to satisfy environmental review for the proposed project. Therefore, as allowed under CEQA Guidelines Section 15060(d), the County has not prepared an Initial Study and will instead begin work directly on the PEIR. The PEIR will focus on the potentially significant effects of the project, discuss any effects found not to be significant, and assess the direct, indirect, and cumulative impacts, as well as growth-inducing effects. The PEIR will include an evaluation of the following environmental issues:

- Aesthetics
- Agriculture and forestry resources
- Air quality
- Biological resources
- Cultural resources
- Energy
- Geology/soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology/water quality
- Land use and planning
- Mineral resources
- Noise
- Population/housing
- Public services
- Recreation
- Transportation
- Tribal cultural resources
- Utilities and service systems
- Wildfire

PUBLIC REVIEW PERIOD: The County invites interested parties to provide written comments as to your specific concerns about the project's potential environmental effects. The County requests that any Responsible or Trustee Agency responding to this notice do so in a manner consistent with Section 15082(b) of the State CEQA Guidelines. **A 30-day Notice of Preparation review period starts on January 5, 2021, and ends on February 4, 2021.** Due to the time limits mandated by state law, please send your written response to the Department of Regional Planning at the address below at the earliest possible date, but **no later than February 4, 2021, at 5:00 p.m.** Please include your name and address for all written correspondence.

Please send by mail to the following address:

Tina Fung, Supervising Regional Planner
Housing Policy Section
County of Los Angeles Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

For email submittal of your comment letter, send to: housing@planning.lacounty.gov.

Any comments provided should identify specific topics of environmental concern and your reason for suggesting the study of these topics in the PEIR. ***All written comment letters/emails will be included in an appendix in the Draft PEIR and the contents considered in the preparation of the PEIR.***

NOTICE OF PUBLIC SCOPING MEETING: On March 4, 2020, the Governor proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, the Governor issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.

In accordance with the Safer at Home Orders by the State of California and County of Los Angeles, the County's Department of Regional Planning will conduct one virtual public scoping meeting to inform the public and interested agencies about the project and solicit oral and written comments as to the appropriate scope and content of the PEIR. All interested parties are invited to attend the virtual scoping meeting to assist in identifying issues to be addressed in the PEIR.

The virtual scoping meeting will include a brief presentation of the proposed components of the Housing Element Update to be addressed in the PEIR and a summary of the PEIR process, and will provide attendees with an opportunity to provide input on the scope and content of the PEIR. The virtual scoping meeting will be held **online via Zoom on Saturday, January 23, 2021, 10:00 a.m. – 11:30 a.m.** You may register for the virtual scoping meeting at <https://planning.lacounty.gov/housing/involved>.

Spanish translation and interpretation will be available. For more information please call 213-974-6427 or visit the following website: <http://planning.lacounty.gov/housing>.

Servicios de interpretación estarán disponibles. Para más información, llame a 213-974-6427 o visite <http://planning.lacounty.gov/housing>.

DOCUMENT AVAILABILITY AND PROJECT WEBSITE: For more information and to stay informed on the progress of the project and PEIR, please visit the project website at <http://planning.lacounty.gov/housing>. To view the Notice of Preparation online, please visit <https://planning.lacounty.gov/housing/involved>.

Attachment: Figure 1, Unincorporated Areas of Los Angeles County

From: [CONCEPCION AGUIRRE](#)
To: [DRP Housing](#)
Subject: Homeless
Date: Monday, January 4, 2021 4:53:11 PM

CAUTION: External Email. Proceed Responsibly.

Dear Sirs

Would you please address the homeless encampments ?

Its a big problem in the whole city and near my home its very dangerous already .

The price of my home went down because of the homeless encampments near by , so much dirt all over and smell and

people attacking the pedestrians.

It is a very important issue .

Thank you

Regards

Concepcion Aguirre

6607 Cahuenga Ter

Los 90068

From: [Adrienne Ortega](#)
To: [DRP Housing](#)
Subject: EIR & Public scoping Meeting
Date: Wednesday, January 6, 2021 9:41:37 PM

CAUTION: External Email. Proceed Responsibly.

To whom it may concern,

My family & I are residents of the Unincorporated area of Los Angeles. We are wholeheartedly against the updating of the Housing element of the General plan for 2021-2029.

We are currently in a major and devastating Pandemic which was spread because of compact housing issues in China which led to a devastating impact on our Country.

If we continue to do the same in our .74 mile area of Walnut Park then I shiver to think of what the consequences will be to the current residents of our beloved city.

With the County allowing ADU's of ones garage many homeowners have chosen to convert their garages. Again, adding further to the density issue we are already experiencing.

We would respectfully request that a full report be performed with respect to the EIR and that it may be done in a transparent way because I believe there are a lot of residents who aren't really being counted due to their immigration status.

I personally know families of 8 living in a 2 bedroom apartment. That is just one apartment. Now multiple that by how many dwellings I have no doubt that the Census & the EIR will be grossly off.

Thank you for you time & consideration as I am just one resident of this community but I want nothing but the best for our tiny town.

Sincerely,

Adrienne Ortega

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division**

MEMORANDUM

DATE: January 13, 2021

TO: RMA Planning Division
Attention: Anthony Ciuffetelli

FROM: Glenn Derossett, Engineering Manager III *GD*

SUBJECT: REVIEW OF DOCUMENT
PROJECT NO.: RMA 21-001

Lead Agency: **COUNTY OF LOS ANGELES DEPARTMENT OF REGIONAL PLANNING**
APN# Various Properties in County of Los Angeles

Pursuant to your request, the Public Works Agency -- Transportation Department has reviewed the subject application and has determined that the application is for our areas of responsibility.

The County of Los Angeles is updating the Housing Element of the General Plan for the 2021-2029 planning period. The Housing Element is one of the seven required elements of the General Plan per the California Government Code, beginning at Section 655583. Generally, state law mandates updates to the Housing Element every 8 years. The Housing Element serves as a policy guide to address the comprehensive housing needs of the unincorporated areas of Los Angeles County (unincorporated areas). The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites, at adequate densities and appropriate development standards, in the unincorporated areas to accommodate its fair share of the regional housing need, also known as the Regional Housing Needs Assessment (RHNA) allocation.

The Housing Element Update will consist of the following main components:

- Adequate Site Inventory
- Constraints and Barriers
- Goals, Policies, and Implementation Programs
- Other Project Elements and Required Approvals

We offer the following comments:

1. The County of Ventura, Public Works Agency, Roads & Transportation would like to offer open communication with the County of Los Angeles if any of the re-zoned areas could have the potential of impacting the Regional Road Network for Ventura County and the Freeways and Highways within the County of Ventura.
2. The County of Ventura, Public Works Agency, Roads & Transportation request that the PEIR disclose the areas that are proposed to be re-zoned.
3. The County of Ventura, Public Works Agency, Roads & Transportation request that the PEIR for the County of Los Angeles General Plan Housing Element Update evaluate the potential Cumulative Impacts that the update could have on the County of Ventura's Regional Road Network and the Freeways and Highways within the County of Ventura. The County of Los Angeles is proposing to change the zone of certain properties and allow development that could have the potential to cause a significant impact to the Road Network within the County of Ventura. This potential significant impact should be disclosed and mitigation measures discussed, in the PEIR, if the development would be allowed to occur.
4. The County of Ventura, Public Works Agency, Roads & Transportation request the right to review the Draft PEIR when it become available.

Our review is limited to the impacts this project may have on the County's Regional Road Network. Please contact me at 654-2087 if you have questions.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-3574
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TTY 711
www.dot.ca.gov



*Making Conservation
a California Way of Life.*

January 15, 2021

Tina Fung, Supervising Regional Planner
Housing Policy Section
County of Los Angeles Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

RE: County of Los Angeles Housing Element
Update – Notice of Preparation (NOP)
SCH# 2021010016
GTS# 07-LA-2021-03466
Vic. LA Multiple

Dear Tina Fung,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The County is updating the Housing Element of the General Plan for the 2021–2029 planning period. The Housing Element is one of the seven required elements of the General Plan per the California Government Code, beginning at Section 65583. Generally, state law mandates updates to the Housing Element every 8 years. The Housing Element serves as a policy guide to address the comprehensive housing needs of the unincorporated areas of Los Angeles County (unincorporated areas). The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites, at adequate densities and appropriate development standards, in the unincorporated areas to accommodate its fair share of the regional housing need, also known as the Regional Housing Needs Assessment (RHNA) allocation.

After reviewing the NOP, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. However, to accommodate the additional housing units and not induce demand for excessive Vehicle Miles Travelled (VMT), Caltrans recommends significantly reducing or eliminating car parking requirements. Research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. For any community or city to better support all modes of transportation and reduce vehicle miles traveled, we recommend the implementation of a TDM ordinance, as an alternative to requiring car parking.

Caltrans looks forward to reviewing the forthcoming Draft Environmental Impact Report (DEIR) to confirm that the updated Housing Element will result in a net reduction in VMT.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-LA-2021-03466.

Sincerely,

A handwritten signature in black ink that reads "Miya Edmonson". The script is fluid and cursive, with the first name "Miya" and last name "Edmonson" clearly legible.

MIYA EDMONSON

IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 2, 2021

Tina Fung
 Los Angeles County Department of Regional Planning
 320 W. Temple Street, 13th Floor
 Los Angeles, CA 90012
TFung@planning.lacounty.gov

Subject: Notice of Preparation of a Program Environmental Impact Report for the County of Los Angeles Housing Element Update, SCH #2021010016, Los Angeles County Department of Regional Planning, Los Angeles County

Dear Ms. Fung:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Program Environmental Impact Report (PEIR) from the Los Angeles County Department of Regional Planning (County; Lead Agency) for the Los Angeles Housing Element Update (Project). Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

Conserving California's Wildlife Since 1870

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Project Description and Summary

Objective: The Project proposes to update the Housing Element of Los Angeles County's General Plan for the 2021 through 2029 planning period. The Housing Element serves as a policy guide to address the housing needs of the unincorporated areas of Los Angeles County. The primary focus of the Housing Element is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites in the unincorporated areas to accommodate its share of the Regional Housing Needs Assessment (RHNA) allocation. The RHNA allocation for the County for the 2021–2029 planning period is approximately 90,000 units. As required by State law, the Housing Element must identify the County's ability to accommodate this estimated growth through available sites and appropriate land use and zoning.

The Project will consist of the following main components:

- **Adequate Sites Inventory:** The Project would include an Adequate Sites Inventory to demonstrate that there are enough sites within the unincorporated areas to accommodate the RHNA allocation. Sites must meet several criteria, including residential zoning of a certain density, a minimum lot size, and that the site must be either vacant or underutilized. If a local jurisdiction cannot demonstrate that there are enough sites to address the RHNA allocation, the local jurisdiction is required to develop a rezoning program. The Project would include a rezoning program. The rezoning program aims to focus growth and density increase in the unincorporated areas. These areas would also include access to services and infrastructure outside of the County's environmentally sensitive and hazardous areas.
- **Constraints and Barriers:** The Project would include identification and analysis of potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. At a minimum, the analysis will address the following: codes and enforcement; on- and off-site improvement standards; constraints for people with disabilities; fees and exactions; land use controls; non-governmental constraints; and processing and permitting procedures.

Location: The Project is located within the unincorporated areas of Los Angeles County.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the County in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Specific Comments

- 1) Adequate Sites Inventory. Consistent with the State's [2030 Natural and Working Lands Climate Change Implementation Plan](#), CDFW recommends the County maximize development where it already exists in order to protect natural habitat from conversion to

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more intensified uses (CalEPA 2019). CDFW recommends the County consider the Project's potential impacts on the following areas where/if present within the Project boundary:

- a) Conservation easements or mitigation lands;
- b) U.S. Fish and Wildlife Service [Threatened & Endangered Species Active Critical Habitat](#) (USFWS 2020);
- c) Los Angeles County Significant Ecological Areas (SEAs);
- d) Sensitive Natural Communities, including (but not limited to) California walnut groves (*Juglans californica* Alliance), Coast live oak woodland (*Quercus agrifolia* Alliance), Canyon live oak forest (*Quercus chrysolepis* Alliance), and California bay forest (*Umbellularia californica* Alliance); and,
- e) Aquatic and riparian resources including (but not limited to) rivers, channels, streams, wetlands, and vernal pools, and associated natural plant communities.

CDFW recommends the County avoid sites that may have a direct or indirect impact on conservation easements or lands set aside as mitigation. CDFW recommends the PEIR include measures where future housing development facilitated by the Project mitigate (avoid if feasible) for impacts on biological resources occurring within SEAs and critical habitat. CDFW also recommends that future development projects mitigate for impacts on sensitive natural communities and aquatic and riparian resource.

- 2) Impacts on Wildlife Corridors and Wildlife. The [South Coast Missing Linkages Project](#) is an inter-agency effort to identify and conserve the highest-priority linkages in the south coast ecoregion (SCW 2017). Based on review Figure 1 in the NOP, the County's unincorporated areas may overlap with wildlife corridors and linkages identified by the South Coast Missing Linkages Project. CDFW is concerned that the Project would impact wildlife corridors. Additionally, development occurring adjacent to natural habitat areas such as wildlife corridors could have direct or indirect impacts on wildlife. Impacts could result from increased human presence, traffic, noise, and artificial lighting. Increased human-wildlife interactions could lead to injury or mortality of wildlife. For instance, as human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFW 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety.

CDFW recommends the PEIR include measures where future housing development facilitated by the Project thoroughly analyze whether the project may impact wildlife corridors. Impacts include habitat loss and fragmentation, narrowing of a wildlife corridor, and introduction of barriers to wildlife movement. Additionally, CDFW recommends future development projects thoroughly analyze whether the project may have direct and indirect impacts wildlife resulting from increased human presence, traffic, noise, and artificial lighting.

- 3) Biological Resources Survey. CDFW recommends the PEIR include measures where future housing development facilitated by the Project provides a project-level biological resources survey [see General Comments #3 (Biological Baseline Assessment)]. A biological resources survey should include identification and delineation of any rivers, streams, and lakes and their associated natural plant communities/habitats. This includes any culverts,

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ditches, storm channels that may transport water, sediment, pollutants, and discharge into rivers, streams, and lakes.

- 4) Nesting Birds. CDFW recommends the PEIR include measures where future housing development facilitated by the Project avoids potential impacts to nesting birds. Project activities occurring during the bird and raptor breeding and nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
 - a) Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor.
 - b) CDFW recommends that measures be taken to fully avoid impacts to nesting birds and raptors. Ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
 - c) If impacts to nesting birds and raptors cannot be avoided, CDFW recommends the PEIR include measures where future housing development facilitated by the Project mitigates for impacts. CDFW recommends surveys by a qualified biologist with experience conducting breeding bird and raptor surveys. Surveys are needed to detect protected native birds and raptors occurring in suitable nesting habitat that may be disturbed and any other such habitat within 300 feet of the project disturbance area, to the extent allowable and accessible. For raptors, this radius should be expanded to 500 feet and 0.5 mile for special status species. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.
- 5) Loss of Bird and Raptor Nesting Habitat. The biggest threat to birds is habitat loss and conversion of natural vegetation into another land use such as development (e.g., commercial, residential, industrial). In the greater Los Angeles, urban forests and street trees, both native and some non-native species, provide habitat for a high diversity of birds (Wood and Esaian 2020). Some species of raptors have adapted to and exploited urban areas for breeding and nesting (Cooper et al. 2020). For example, raptors (*Accipitridae*, *Falconidae*) such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*) can nest successfully in urban sites.
 - a) CDFW recommends the PEIR provide measures where future housing development facilitated by the Project avoids removal of any native trees, large and dense-canopied native and non-native trees, and trees occurring in high density (Wood and Esaian 2020). CDFW also recommends avoiding impacts to understory vegetation (e.g., ground cover, subshrubs, and shrubs).
 - b) If impacts to trees cannot be avoided, trees should be replaced to compensate for the

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temporal or permanent loss habitat within a project site. Depending on the status of the bird or raptor species impacted, replacement habitat acres should increase with the occurrence of a California Species of Special Concern. Replacement habitat acres should further increase with the occurrence of a CESA-listed threatened or endangered species.

- c) CDFW recommends planting native tree species preferred by birds. This includes coast live oak (*Quercus agrifolia*) and California sycamore (*Platanus racemosa*) (Wood and Esaian 2020). CDFW recommends Audubon Society's [Plants for Birds](#) for more information (Audubon Society 2020).
- 6) Bats. Numerous bat species are known to roost in trees and structures throughout Los Angeles County (Remington and Cooper 2014). In urbanized areas, bats use trees and man-made structures for daytime and nighttime roosts. Accordingly, CDFW recommends the PEIR provide measures where future housing development facilitated by the Project avoids potential impacts to bats.
- a) Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs., § 251.1). Project construction and activities, including (but not limited to) ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and roosts.
 - b) CDFW recommends a project-level biological resources survey provide a thorough discussion and adequate disclosure of potential impacts to bats and roosts from project construction and activities including (but not limited to) ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal. If necessary, to reduce impacts to less than significant, a project-level environmental document should provide bat-specific avoidance and/or mitigation measures [CEQA Guidelines, § 15126.4(a)(1)].

General Comments

- 1) Disclosure. An environmental document should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, §15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to the species (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in projects through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document shall describe feasible measures which could mitigate for impacts below a significant level under CEQA.
 - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable/imposed by the lead agency through permit conditions, agreements, or

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other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, §§ 15126.4, 15041). A public agency shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures (Pub. Resources Code, § 21081.6). CDFW recommends that the County prepare mitigation measures that are specific, detailed (i.e., responsible party, timing, specific actions, location), and clear in order for a measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). Adequate disclosure is necessary so CDFW may provide comments on the adequacy and feasibility of proposed mitigation measures.

- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the Project as proposed, the environmental document should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the environmental document should provide an adequate, complete, and detailed disclosure about a project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to a project site and where a project may result in ground disturbance. The assessment and analysis should place emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to a project. CDFW also considers impacts to Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoid and/or mitigation measures. An environmental document should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. An environmental document should include measures to fully avoid and otherwise protect Sensitive Natural Communities from project-related impacts. CDFW considers these communities as threatened habitats having both regional and local significance. Plant communities, alliances, and associations with a state-wide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2020a);
 - b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Adjoining habitat areas should be included where project construction and activities could lead to direct or indirect impacts off site;
 - c) Floristic, alliance- and/or association-based mapping and vegetation impact assessments conducted at a project site and within the neighboring vicinity. The [Manual](#)

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[of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (Sawyer et al. 2009). Adjoining habitat areas should be included in this assessment where project activities could lead to direct or indirect impacts off site. Habitat mapping at the alliance level will help establish baseline vegetation conditions;

- d) A complete, recent, assessment of the biological resources associated with each habitat type on site and within adjacent areas that could also be affected by a project. CDFW's [California Natural Diversity Database](#) (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat (CDFW 2020b). An assessment should include a nine-quadrangle search of the CNDDDB to determine a list of species potentially present at a project site. A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur in the project site. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
 - e) A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species on site and within the area of potential effect, including California Species of Special Concern, and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of a project site should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol for select species (CDFW 2020c). Acceptable species-specific survey procedures may be developed in consultation with CDFW and the U.S. Fish and Wildlife Service; and,
 - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of a proposed project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame or in phases.
- 4) **Data**. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and natural communities detected by completing and submitting [CNDDDB Field Survey Forms](#) (CDFW 2020e). The County should ensure data collected for the preparation of any Project-related environmental document be properly submitted, with all data fields applicable filled out. The data entry should also list pending development as a threat and then update this occurrence after impacts have occurred.
- 5) **Biological Direct, Indirect, and Cumulative Impacts**. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect

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biological resources, with specific measures to offset such impacts. The PEIR should address the following:

- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (NCCP, Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the PEIR;
 - b) A discussion of both the short-term and long-term effects to species population distribution and concentration and alterations of the ecosystem supporting the species impacted [CEQA Guidelines, § 15126.2(a)];
 - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
 - d) A discussion on Project-related changes on drainage patterns; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project sites. The discussion should also address the potential water extraction activities and the potential resulting impacts on the habitat (if any) supported by the groundwater. Mitigation measures proposed to alleviate such Project impacts should be included;
 - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the PEIR; and,
 - f) A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant and wildlife species, habitat, and vegetation communities. If the County determines that the Project would not have a cumulative impact, the environmental document should indicate why the cumulative impact is not significant. The County's conclusion should be supported by facts and analyses [CEQA Guidelines, § 15130(a)(2)].
- 6) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the PEIR:
- a) A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas;
 - b) CEQA Guidelines section 15126.6(a) states that an environmental document shall describe a reasonable range of potentially feasible alternatives to the Project, or to the

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location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. CEQA Guidelines section 15126.6(f)(2) states if the Lead Agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion and should include reasons in the environmental document; and,

- c) A range of feasible alternatives to Project component location and design features to avoid or otherwise minimize direct and indirect impacts to sensitive biological resources and wildlife movement areas. CDFW recommends the County consider configuring Project construction and activities, as well as the development footprint, in such a way as to fully avoid impacts to sensitive and special status plants and wildlife species, habitat, and sensitive vegetation communities. CDFW also recommends the County consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes for the duration of the Project and from any future development. As a general rule, CDFW recommends reducing or clustering the development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the County consider alternatives that would fully avoid impacts to such resources. CDFW also recommends alternatives that would allow not impede, alter, or otherwise modify existing surface flow; watercourse and meander; and water-dependent ecosystems and vegetation communities. Project-related designs should consider elevated crossings to avoid channelizing or narrowing of streams. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the stream to alter its course of flow.
- 7) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from the Project is prohibited, except as authorized by state law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project or any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the Project proponent seek appropriate take authorization under CESA prior to implementing the Project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a consistency determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to a Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the Project CEQA document addresses all Project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the

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requirements for a CESA ITP.

- 8) Jurisdictional Waters. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. For any such activities, the project applicant (or "entity") must provide written notification to CDFW pursuant to Fish and Game Code Section 1600 *et seq.*
- a) CDFW's issuance of a Lake and Streambed Alteration (LSA) Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (Lead Agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Please visit CDFW's [Lake and Streambed Alteration Program](#) webpage for information about LSA Notification (CDFW 2020d).
 - b) In the event the project area may support aquatic, riparian, and wetland habitats; a preliminary delineation of the streams and their associated riparian habitats should be included in the environmental document. The delineation should be conducted pursuant to the U.S. Fish and Wildlife Service (USFWS) wetland definition adopted by CDFW (Cowardin et al. 1970). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.
 - c) In project areas which may support ephemeral or episodic streams, herbaceous vegetation, woody vegetation, and woodlands also serve to protect the integrity of these resources and help maintain natural sedimentation processes; therefore, CDFW recommends effective setbacks be established to maintain appropriately-sized vegetated buffer areas adjoining ephemeral drainages.
 - d) Project-related changes in upstream and downstream drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document.
 - e) As part of the LSA Notification process, CDFW requests a hydrological evaluation of the 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions. CDFW recommends the environmental document evaluate the results and address avoidance, minimization, and/or mitigation measures that may be necessary to reduce potential significant impacts.
- 9) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement and expansion of wetland habitat in California (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or

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conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

- a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project must include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions for the benefit to on-site and off-site wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in an environmental document and these measures should compensate for the loss of function and value.
 - b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).
- 10) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of moving an individual from a project site and permanently moving it to a new location. CDFW generally does not support the use of, translocation or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant or animal species. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving sensitive plants and animals and their habitats.
- 11) Compensatory Mitigation. An environmental document should include mitigation measures for adverse Project related direct or indirect impacts to sensitive plants, animals, and habitats. Mitigation measures should emphasize avoidance and reduction of project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, off-site

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mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.

- 12) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, an environmental document should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

Conclusion

We appreciate the opportunity to comment on the NOP for the County of Los Angeles Housing Element Update to assist the Los Angeles County Department of Regional Planning in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at Ruby.Kwan-Davis@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

cc: CDFW

Erinn Wilson-Olgin, Los Alamitos – Erinn.Wilson-Olgin@wildlife.ca.gov
Victoria Tang, Los Alamitos – Victoria.Tang@wildlife.ca.gov
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CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

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South Coast Air Quality Management District

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SENT VIA E-MAIL:

February 2, 2021

housing@planning.lacounty.gov

Tina Fung, Supervising Regional Planner
County of Los Angeles, Regional Planning Department
Housing Policy Section
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Notice of Preparation of a Draft Program Environmental Impact Report for the County of Los Angeles Housing Element Update (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Program Environmental Impact Report (PEIR). Please send a copy of the Draft PEIR upon its completion and public release directly to South Coast AQMD as copies of the Draft PEIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁹, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹⁰.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS

LAC210105-03 Control Number

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.



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February 4, 2021

VIA EMAIL TO housing@planning.lacounty.gov AND US MAIL

Tina Fung
Supervising Regional Planner, Housing Policy Section
County of Los Angeles, Department of Regional Planning
320 West Temple Street, 13th Floor
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Subject: Notice of Preparation of a Program Environmental Impact Report for the County of Los Angeles Housing Element Update

Dear Ms. Fung,

As a part of the One Valley One Vision (OVOV) planning process, the City of Santa Clarita (City) and the County of Los Angeles (County) mutually benefited from a partnership that resulted in the development of planning documents that created a shared vision for the future of the Santa Clarita Valley. The City appreciates the opportunity to review and comment on the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (PEIR) for the County of Los Angeles Housing Element Update (Housing Element Update).

The proposed project is an update to the Housing Element of the County of Los Angeles General Plan for the 2021-2029 planning period. The primary focus of the Housing Element Update is to ensure decent, safe, sanitary, and affordable housing for current and future residents of the unincorporated areas, including those with special needs. The County is required to ensure the availability of residential sites at adequate densities and appropriate development standards in the unincorporated areas to accommodate its fair share of the regional housing need, also known as the Regional Housing Needs Assessment (RHNA) allocation.

The City concurs with the environmental topics that the PEIR will evaluate, as highlighted in the NOP, and requests specific discussion and/or analysis of the following areas, specifically as they relate to any proposed changes to the Housing Element that may impact the Santa Clarita Valley:

Land Use and Planning

One of the principles of the Santa Clarita Valley Area Plan (SCV Area Plan) and the Santa Clarita General Plan (SC General Plan), which were the products of the OVOV planning process, is to focus higher density development inward towards the urban core of the Santa Clarita Valley. Therefore, density would decrease concentrically outward from the urban core into less dense portions of the planning area. Further, the SCV Area Plan and the SC General Plan include goals and objectives for the Santa Clarita Valley that would preserve an open space greenbelt, protecting significant resources from development and discouraging urban sprawl into rural areas.



The City remains concerned about proposals that may result in increased densities in areas located outside the urban core at the gateways to the City. Based on preliminary discussions with County Planning staff, there are no plans to include properties within the unincorporated Santa Clarita Valley areas in the proposed rezoning program. The City agrees with this approach and would encourage the Housing Element Update to be aligned and consistent with the OVOV Valley-wide General Plan Update. In the event that any property within the Santa Clarita Valley is the subject of any proposed rezoning action, the City requests that the Land Use section of the PEIR include an analysis of any proposed increase in density and its consistency with the County zoning code and the SCV Area Plan.

Traffic/Transportation

The SCV Area Plan states that the population of the Santa Clarita Valley at full build-out will be approximately 460,000 to 485,000 residents. This estimate is based on a detailed analysis of Traffic Analysis Zones (TAZ) and the land uses shown on the SC General Plan and the SCV Area Plan. Any proposed rezoning that would increase the density beyond what is shown on the current land use maps may have the potential increase to the traffic generated from any project site, thereby making the existing TAZ analysis inaccurate. In the event that any property within the Santa Clarita Valley is the subject of any proposed rezoning action, the City requests that a fully revised TAZ analysis be conducted and that major intersections within the proximity of the subject properties be reanalyzed to determine the potential for impacts and how those impacts may be mitigated.

Jobs/Housing Balance

The topic of jobs/housing balance is an important issue addressed by the City and the County in the SC General Plan and the SCV Area Plan. The existing jobs/housing imbalance within the Santa Clarita Valley results in impacts to traffic, air quality, and greenhouse gas emissions. The City has concerns regarding any action that may increase the existing jobs/housing imbalance as a result of any proposed rezoning in the Santa Clarita Valley. In the event that any property within the Santa Clarita Valley is the subject of any proposed rezoning action, the City requests that a full analysis be conducted to study any potential impact to the jobs/housing balance discussed in the SC General Plan and SCV Area Plan.

Utilities and Service Systems

Any proposal for rezoning that increases the density beyond what was anticipated in the SCV Area Plan and the SC General Plan may have the potential to increase the demand on utilities and its supporting infrastructure. In the event that any property within the Santa Clarita Valley is the subject of any proposed rezoning action, the City requests that the appropriate utility demand analysis be conducted, including, but not limited to, a Water Supply Assessment that complies with the principles of Senate Bill 610.

Thank you again for the opportunity to comment on the Notice of Preparation. If you have any questions, please contact Mike Marshall, Associate Planner, at (661) 255-4045.

Sincerely,



Thomas B. Cole

Director of Community Development



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February 4, 2021

Tina Fung, Supervising Regional Planner
Housing Policy Section
County of Los Angeles Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

Re: BIA-LAV Comment Letter – Notice of Preparation of a Draft Program Environmental Impact Report – Housing Element Update

Dear Ms. Fung,

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California, Inc. (BIA-LAV), is a non-profit trade association focused on building housing for all. On behalf of our membership, we would like to offer these comments to the Notice of Preparation (“NOP”) circulated by the County of Los Angeles (“County”) pursuant to the California Environmental Quality Act (“CEQA”) announcing its intention to prepare a Program Environmental Impact Report (“PEIR”) for the Housing Element of the County of Los Angeles General Plan for the 2021–2029 planning period (“Housing Element Update”). The NOP invites interested parties to provide written comments regarding “specific concerns about the project’s potential environmental effects.”

The environmental effects from the Housing Element Update can be only be fully addressed after reviewing and assessing the yet to be released Housing Element Update draft document and its proposed goals, policies, and programs. While the NOP provides a synopsis of topics required by State law to be included in the Housing Element Update, the manner in which the County approaches these topics in an actual draft document will drive the environmental review. Consequently, while the County invites comments regarding “specific concerns”, at this stage in the process, our comments are offered below based on our best understanding of what the Housing Element Update is expected to contain.

The PEIR Should Be Circulated For At Least 60 Days

At the public scoping meeting held on January 23, 2021, the County’s consultant announced that the County intends to circulate the PEIR for public review for the minimum 45-day period required by CEQA. This



amount of time is inadequate. As we all know, there is an ongoing housing shortage and crisis in the County. The lack of housing being produced in the unincorporated areas is alarming with only 6,157 total permitted housing units in all affordability categories from 2014 through the end of 2019.¹ Against this backdrop, the Housing Element Update, which is intended to apply to the lengthy 2021 - 2029 planning period, takes on added significance as does environmental review of the proposed goals, policies and programs. Added to the critical importance of housing goals, policies and programs at this juncture in time are the effects of the COVID-19 pandemic which has altered daily life in the County and across the State and Nation. Given the importance of this planning effort and the pandemic restrictions, a minimum 60-day PEIR public review period is warranted; we request that the PEIR be circulated for public comment for at least 60 days.

Adequate Sites Inventory

As recognized in the NOP, the Housing Element Update must include an “Adequate Sites Inventory” to demonstrate there are adequate sites throughout the unincorporated areas to meet the County’s Regional Housing Needs Assessment (“RHNA”) allocation which for the 2021 – 2029 period is approximately 90,000 housing units. If inadequate sites exist to accommodate the County’s RHNA allocation, a rezoning program is required. As a part of the County’s Housing Element Update, the NOP states that the County will include a rezoning program which indicates there is already a recognition that there are inadequate sites in the County unincorporated areas to meet the County’s RHNA allocation. According to the NOP, the rezoning program will “focus growth and density increase in the unincorporated areas with access to services and infrastructure and outside of the County’s environmentally sensitive and hazardous areas.”

Given the housing crisis and dire need for housing at all affordability levels, the PEIR should carefully consider the environmental consequences of promoting goals, policies and programs that may too narrowly focus new development away from undeveloped land outside of existing urban and suburban development. For example, while it is unclear whether “hazardous areas” is a reference to High and Very High Fire Severity Zones, policies that declare vast swaths of the County off limits to new development would have negative environment effects that need to be considered. The PEIR should assess the advances in fire safety and mitigation that would allow flexibility in locating new housing throughout the County.

When assessing the environmental effect of County housing policy, the PEIR should examine homebuilding processes and the fact that the homes built under the State’s strict building codes help to mitigate fire danger. Even in the worst fires, like the Camp Fire in the City of Paradise, new homes and new construction were at a much lower risk and better protected, due to compliance with State level regulations. According to a Sacramento Bee² investigative report, a majority of homes built after

¹ County General Plan And Housing Element Progress Reports CY 2019, Table B.

² <https://www.sacbee.com/news/california/fires/article227665284.html>



2008, that were in the path of the Camp Fire, were undamaged. This stands in stark contrast to the mere 18% survival rate of homes built prior to the 2008 code adoption and serves as a testament to the significant fire safety measures already in place in California. Homes built under the State's current WUI (Wildland Urban Interface) and Title 14 fire regulations had a significantly better chance of survival.

This message was echoed in a recent Los Angeles Times³ article concerning the October 2020 Silverado Fire in Orange County, which highlighted fire safety strengths provided by new construction and master planned communities. Despite 12,466 acres of land burning in the wildland/urban interface area, no homes were lost⁴ and five structures were destroyed. Governing Newsletter⁵ also pointed out that "...the adoption and implementation of WUI building and fire codes are a critical part of effective wildfire mitigation and community resilience." It is abundantly clear that new housing construction is better equipped for potential wildfire threat because of the success of our State Building Codes when combined with defensible space maintenance.

The PEIR should also consider that not only are new homes at least five times greater rate of survival in a wildfire than those homes built before 2008⁶, they are much more fire resistant than undeveloped open space. According to the California Air Resources Board California Wildfire Burn Acreage and Preliminary Emissions Estimates, in 2018⁷, wildfires in California burned 1.59 million acres generating 45.5 million metric tons of CO2 emissions. That is more than 10% of California's total emissions for 2018. The more than 4 million acres burned in California this year are expected to account for more than 100 million metric tons of CO2 emissions. Master planned communities that require large open areas for planning and construction that are not available in the urban core should continue to be part of the County's housing solution.

Additionally, when assessing sites for housing development, it will be important to address consistency with recently adopted community plans that were the product of substantial effort and community input. The environmental effects on communities, and in particular communities of color, from up-zoning, needs to be carefully studied. Efforts to densify the urban core that may result from overly constraining greenfield development may disproportionately impact such communities. The need to achieve a balanced approach to up-zoning across the County will be challenging but is

³ <https://tinyurl.com/y7tpm82r>

⁴ <https://www.latimes.com/california/story/2020-10-28/firefighters-battle-to-save-orange-county-subdivisions-as-flames-march-closer>

⁵ <https://www.governing.com/community/How-Better-Building-Codes-Can-Mitigate-Wildfires-Devastation.html>

⁶ Daniel Berlant, State Fire Marshal's Chief of Wildfire Planning & Engineering stated that "homes in the WUI built to the 2008 Chapter 7A WUI standards now have a 5x greater rate of survival in a wildfire than those homes built before 2008." See California Department of Insurance Home Hardening Standards and Wildfire Catastrophe Modeling in Ratemaking (<https://www.youtube.com/watch?v=KYKsZiQY5Lo> at approximately 2:04).

⁷ https://ww3.arb.ca.gov/cc/inventory/pubs/ca_wildfire_co2_emissions_estimates.pdf



necessary to evenly spread needed housing throughout the region.

Constraints and Barriers

The NOP states that the PEIR will assess “whether local regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a local jurisdiction from meeting its housing needs.” Housing production in the unincorporated County during the 2014 – 2021 planning period suggests there are already constraints that are affecting housing development. Table B from the County’s *General Plan And Housing Element Progress Reports CY 2019* depicts a dire housing situation in the unincorporated areas. Table B indicates a total of 6,157 total permitted housing units from 2014 through the end of 2019⁸ as compared to the 2014 – 2021 RHNA allocation of 21,283 units. These numbers indicate that adequate housing to meet housing supply needs is simply not being built in the unincorporated areas. The breakdown by affordability levels shows that the moderate income category has fared the worst with 19 permitted units compared to the RHNA allocation of 4911.⁹

With the RHNA allocation skyrocketing to approximately 90,000 units for the 2021 – 2029 planning period, if the County wants developers and builders to turn hypothetical sites into actual housing, barriers that are affecting housing development in the unincorporated County need to be identified and addressed. These barriers include regulatory fees and costs, as well as lengthy entitlement processes.

The PEIR needs to evaluate how these and other barriers affect housing supply. While new home sales were relatively strong in 2020, headwinds have appeared that could severely impact housing supply and in turn continue to drive up housing costs in the Los Angeles region. Single family home prices continue to rise as a result of many factors including lack of supply and the cost of materials. As reported in financial media, according to data from the National Association of Home Builders, lumber prices have risen 130% since April increasing the cost of a single family home more than \$16,000 on average.¹⁰ Lumber accounts for approximately 20% of material costs for a single family home.¹¹ Cost increases portend challenges up ahead especially for the entry and mid-level for sale home market since margins are tighter in the lower end of the housing market. Fortunately, mortgage rates have remained historically low but any potential rise in interest rates will create more challenges for the housing market and combine with rising prices to pinch supply and make home ownership less attainable.

In this economic climate, regulation and fees can mean the difference between a project “penciling”

⁸ The annual report for 2020 has yet to be released.

⁹ County *General Plan And Housing Element Progress Reports CY 2019*, Table B.

¹⁰ <https://www.marketwatch.com/story/lumber-prices-have-skyrocketed-and-thats-bad-news-for-home-buyers-11594850533>.

¹¹ *Id.*, quote from David Logan, National Association of Homebuilders.



or not, since regulations and fees under the County's control account form a significant component of housing production costs. According to our members, fees of up to \$60,000 per single family home are par for the course, not including the soft costs associated with discretionary approvals such as cost associated with CEQA compliance. And, the County is considering tacking on more fees such as the Art in Private Development one percent art fee. In addition to fees, the County controls the regulatory process for approving housing. Costs and uncertainty associated with discretionary approval processes create unfavorable conditions for housing production. The County should assess how fees affect housing production and affordability and any potential secondary effects.

The By Right Housing Ordinance approved by the Board in late September 2020 is a step in the right direction to reduce some housing costs.¹² Expansion of the ability to obtain by-right approval of housing projects eliminates soft costs associated with the entitlement process that can amount to many tens of thousands of dollars. By right approvals also create more certainty and reduce potential litigation risk and litigation costs. Consequently, we recommend that the Housing Element Update include goals, policies and programs that encourage and expand the use of ministerial approvals for housing projects to the maximum extent possible. The PEIR will need to assess the environmental effects of transitioning to more by-right development. The County should also assess whether inclusionary housing programs actually contribute to housing production or whether such policies may actually serve as an impediment by driving up housing costs for the vast majority of persons who compete for housing in the marketplace.

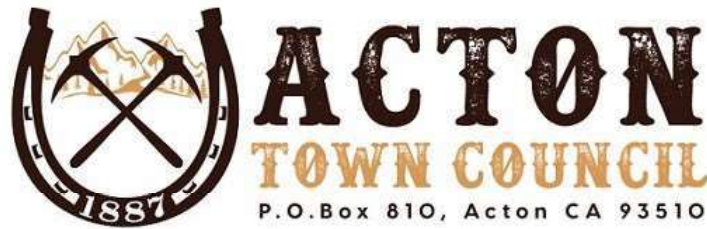
The County's attention and efforts when it comes to housing policy should be focused on ways to increase home ownership attainability, promoting housing construction, reducing homelessness, and decreasing the poverty rate by attracting higher paying housing construction jobs. As the County proceeds through the Housing Element Update process, we look forward to partnering and working with staff to ensure that the County's housing policy provides a framework for our members to deliver adequate housing for all. Should you have any questions, contact BIA-LAV Vice President, Diana Coronado, at dcoronado@bialav.org.

Sincerely,

Diana Victoria Coronado
Vice President
BIA - Los Angeles/Ventura

Sent via e-mail

¹² We understand the By Right Housing Ordinance is pending County Counsel review and will be presented the Board for final approval in early 2021.



Tina Fung, Supervising Regional Planner
Housing Policy Section
County of Los Angeles Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012
Electronic transmission of seven (7) pages via:
housing@planning.lacounty.gov

February 4, 2021

Subject: Acton Town Council Scoping Comments on the Project Titled "County of Los Angeles Housing Element Update"

Reference: Regional Planning Department Project Number 2020-000606

Dear Ms. Fung;

The Acton Town Council ("ATC") respectfully submits the following Scoping Comments on the project titled "County of Los Angeles Housing Element Update" referred to herein as the "HEU Project". These comments are submitted by the February 4, 2021 deadline set forth in the "Notice of Preparation" ("NOP") that was issued in accordance with the California Environmental Quality Act ("CEQA"), therefore we ask that they be deemed timely filed.

INTRODUCTION

The purpose of scoping under CEQA is to bring together and resolve the concerns of stakeholders and also permit stakeholders to contemplate the range of actions and potentially significant effects of a project and thereby recommend feasible alternatives and mitigation measures to reduce the project's significant effects [CEQA Guidelines 15083]. Scoping is an essential element of public outreach because it is the primary tool through which the public gains both a comprehensive understanding of the proposed project and the opportunity to influence and shape the project by recommending alternatives and mitigation measures to reduce the significant environmental effects of the project. It is with this understanding that the ATC has prepared the scoping comments presented herein; we start with our understanding of all the components that comprise the HEU Project, then move on to identify to the potential environmental impacts of the HEU Project and, to the extent possible, the alternatives and mitigation measures that would reduce these environmental impacts. We have also included an assessment of the CEQA Scoping process that has been implemented for the HEU Project.

THE PROJECT SCOPE

The ATC has reviewed the NOP and various public presentations by the Department of Regional Planning ("DRP") regarding the HEU Project in an effort to grasp what the HEU Project entails. It is our understanding that the HEU Project is intended to ensure the availability of residential sites in unincorporated areas at adequate densities and appropriate development standards to meet the County's "Regional Housing Needs Assessment" ("RHNA") allocation of 90,000 new units and thereby accommodate estimated growth through appropriate land use and zoning. The components that we understand comprise the HEU Project are:

Conducting an Adequate Sites Inventory ("ASI") to establish the number of sites available in the unincorporated area to accommodate the County's RHNA allocation. To qualify, the sites must meet several criteria, including residential zoning of a certain density and a minimum lot size. Sites must also be either vacant or underutilized (i.e., not built to its maximum capacity). If the ASI shows there are insufficient units to meet the County's RHNA allocation, the County is required to develop a "Rezoning Program" to increase residential densities sufficiently to meet the County's RHNA allocation. The County has stated that a Rezoning Program will be included in the HEU Project.

Developing a Rezoning Program to initiate rezoning to increase residential densities in certain areas that meet specific locational criteria.¹ According to state law, the rezoning must be completed within three years.

Developing Goals and Policies and Implementation Programs to address housing needs. Each implementation program identifies the lead and partner agencies and provides implementation timelines. Neither the NOP nor the DRP website indicate what the potential implementation programs are, however some were identified at the December 9 meeting of the Regional Planning Commission, including the development of an "East San Gabriel Valley Area Plan", a "METRO Area Plan" and a "Florence-Firestone TOD specific Plan", the unbundling of parking from housing development, considerations for "alternative housing types", rent stabilization regulations, the development of a Community Land Trust (CLT) program, development of a Climate Action Plan, and the implementation of a "fair housing" program.

Identifying and analyzing regulatory standards that constrain or hinder the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities.

¹ At the January 23 Scoping Meeting, the following locational criteria were identified: 1) Outside an environmentally sensitive or hazardous area; 2) Near transit, amenities, and services; 3) In an area served by infrastructure such as public water and sewer; and 4) within "higher resource areas".

Amendments to the General Plan Land Use Element to 1) Amend minimum allowable residential densities in certain land use designations; 2) establish that the allowable residential density specified by the General Commercial (CG) land use designation in the General Plan will also apply to the commercial land use designations in certain community-based plans; and (3) clarify that in designations that allow mixed uses (CR, CG, CM, MU and MU-R), the maximum Floor Area Ratio only applies to the commercial component while the residential component is subject to the allowable density.

Amendments to Title 22: The Zoning Code will be amended to add development standards pertaining to floor area dedicated to residential use in mixed use projects in the Mixed-Use Development Zone (MXD).

ACTON TOWN COUNCIL SCOPING COMMENTS ON THE HEU PROJECT COMPONENTS:

The Acton Town Council offers the following comments on the components that we understand comprise the HEU Project:

Conducting an Adequate Sites Inventory: The ATC understands that this portion of the HEU Project is largely completed and that a draft report has been prepared². However, the report is not available to the public. The ATC is unable to provide any substantive scoping comment on this aspect of the HEU Project because we have insufficient information from which to form an opinion regarding potential environmental impacts that could result from it or possible alternatives or mitigation measures that could reduce such environmental impacts.

Developing a Rezone Program: The ATC understands that the County has developed a preliminary list of the sites considered for rezoning under this component of the HEU Project and that this information will be made available to the public shortly³. The ATC also understands that the Rezone Program will not affect the community of Acton⁴. However, and beyond this, the ATC is unable to provide any scoping comments regarding the environmental impacts of the Rezone Program because the County has not released any information to indicate where rezoning will occur or what areas will be affected or how concentrated the new zoning designations will be. By extension, we are also unable to provide any recommendations for possible alternatives or mitigation measures that would reduce the significance of such environmental impacts. These statements are not to be construed to mean that the ATC believes that the Rezone Program will not result in

² Statement made at the January 23, 2021 Scoping meeting.

³ Email communication from DRP indicates that, by early March, a Story Map will be accessible on the DRP website which will provide background information, show the general locations of sites in the draft Adequate Site Inventory, and the locations of all sites proposed for rezoning.

⁴ Id.

significant environmental impacts; we are merely stating that the scope and extent of the Rezone Program is not sufficiently defined for us to provide any substantive comments regarding such impacts or recommend alternatives or mitigation measures to reduce such impacts.

Developing Goals and Policies and Implementation Programs. The ATC understands that a long list of implementation programs will be considered for the HEU Project. However, we do not have sufficient information regarding the nature, scope, and extent of these implementation programs to provide substantive comments on the potential environmental impacts that could result from them or recommend alternatives or mitigation measures to reduce such impacts. For instance, we understand that the County will consider "alternative housing types" as an Implementation Program, and in July, 2020 we asked DRP staff whether the County will expand the list of "housing types" that are currently recognized by the existing Housing Element⁵ to include Recreational Vehicles ("RVs"). We were told that the answer is not certain. This is very troubling; the ATC should not have to "guess" at what the HEU Project's Implementation Programs might entail and then speculate on the possible environmental impacts that could potentially ensue, yet that is precisely the situation in which we now find ourselves. If, in fact, RVs are designated as a "housing type" under the HEU Project, then the County is advised that it will have to develop and implement an extensive compliance monitoring and enforcement program to ensure conformance with state and local wastewater disposal requirements and health department regulations. The County would also have to devise a program that ensures RV dwellers have a continuous and reliable supply of potable water no matter where they are located to ensure sanitary living conditions. Moreover, because recreational vehicles are easily moved and require no building permits, the County will have to devise a means of monitoring and tracking them for compliance enforcement or housing stock accounting purposes. The resiliency and sustainability of recreational vehicles as a "housing type" is particularly questionable in rural areas where there are no public facilities such as sewers or municipal water. Of course, we recognize that DRP may not even be considering RVs as a "housing type", but it would be imprudent for the Community of Acton to presume otherwise. Accordingly, we must assume the worst and do our best to develop meaningful scoping comments on this potential component of the HEU Project. So, if the County is considering whether to designate RVs as an "alternative housing type" under the HEU Project, then the EIR prepared for the HEU Project must contemplate the following significant impacts at a minimum:

⁵ The current Housing Element recognizes the following "housing types": Adult Residential Facilities, Apartments, Caretaker Units, Children Group Homes, Domestic Violence Shelters, Farmworker Housing, Foster Family Homes, Homeless Shelters, Joint Live/Work Units, Manufactured Homes, Mixed Use Developments, Mobilehomes, Residential Care Facilities, Second Units, Single-Family Residences, Small Family Homes, Townhomes, and Two-Family Residences [pp. 96].

- Soil and groundwater contamination from the improper disposal of human waste from RV dwelling units.
- Trash accumulation from RV dwelling units located where no trash service exists (such as on vacant parcels).
- Wildfires sparked by either the improper or unattended use of generators or by campfires started by RV dwellers.
- Increased demand on local waste disposal sites resulting from abandoned or substandard RVs.
- VMT increases from weekly or even semi-weekly water deliveries everywhere in the County (including remote areas) to ensure sanitary living conditions in RV dwelling units.
- VMT increases from weekly or even semi-weekly wastewater handlers everywhere in the County (including remote areas) to prevent groundwater and soil contamination from the improper disposal of human waste from RV dwelling units.
- VMT increases from enforcement actions that result in the removal of abandoned or substandard RVs

In addition to these impacts, the County should assume that, no matter how many restrictions and regulations it imposes on RVs as a "housing type", a large percentage of RVs will not comply with such restrictions. This is not conjecture; it is fact and it has been proven time and again by extensive evidence submitted to the County by communities throughout the Antelope Valley which demonstrate an unquestionable proliferation of illegal residential RV uses in unincorporated LA County. The ATC hereby incorporates by reference into these scoping comments all evidentiary information that the County has received over the last year showing widespread and illegal residential RV uses in unincorporated Los Angeles County. Based on this evidence, and if indeed the HEU Project will redefine "Housing Types" to include RVs, then the ATC asserts that the HEU Project EIR cannot assume that the soil and groundwater contamination and trash and wildfire impacts identified above will be mitigated by simply developing rules and policies to regulate RVs as a "housing type". Furthermore, the EIR developed for the HEU Project will have to conclude that the significant environmental impacts resulting from the designation of RVs as a "housing type" cannot be mitigated, and the County will have to conclusively demonstrate that these significant and unmitigated impacts are outweighed by a substantial benefit before it can adopt a statement of overriding considerations that will allow RVs to be designated as a "housing type".

Amendments to the General Plan Land Use Element. According to the NOP, this component of the HEU Project affects areas with community-based plans and also affects land use areas that allow mixed uses. Insofar as the ATC is aware, the Community of Acton does not have a community-based plan or any mixed-use land use designations. Additionally, the land uses set forth in the Antelope Valley Area Plan already specify that the FAR only applies to non-residential uses [page LU-10]. Thus, it does not appear that

this aspect of the HEU Project will result in changes to the Community of Acton; if this is incorrect, the ATC respectfully requests that DRP clarify how Acton will be affected by revisions to the Land Use Element so we can provide supplemental comments to address these impacts.

Amendments to Title 22: According to the NOP, this component of the HEU Project affects Mixed Use Development Zones. Insofar as the ATC is aware, the Community of Acton does not have Mixed-Use Development Zones. Thus, it does not appear that this component of the HEU Project will result in changes to the Community of Acton; if this is incorrect, the ATC respectfully requests that DRP clarify how Acton will be affected by amendments to Title 22 so that we can provide supplemental comments to address these impacts.

ATC COMMENTS ON THE COUNTY'S CEQA SCOPING PROCESS FOR THE HEU PROJECT.

As indicated previously, the purpose of scoping under CEQA is to bring together and resolve the concerns of stakeholders (including those who might not be in accord with the action) and permit stakeholders to contemplate the range of actions and potentially significant effects of a project and thereby recommend feasible alternatives and mitigation measures to reduce the project's significant effects. Accordingly, scoping is only useful if the project is sufficiently well defined to allow stakeholders to understand the physical changes to the environment that will result from the project and thereby comprehend the environmental impacts associated with it. In other words, if the scope and extent of a proposed project is not clearly defined or if the potential environmental impacts that may result from the project are not at least roughly delineated at the scoping stage of the project, then stakeholders are unable to recommend feasible alternatives or mitigation measures to reduce the project's significant impacts which, by extension, defeats the whole purpose of scoping. It seems to the ATC that these are precisely the circumstances presented by the HEU Project; with few exceptions, the components of the HEU Project are vaguely described and so little information is provided that it is impossible for stakeholders to even contemplate the project's environmental impacts, let alone recommend alternatives or mitigation measures to reduce such impacts. For example, a crucial element of the HEU Project is the "Rezone Program" which seems to underlie virtually all aspects of the project. However, the County has provided absolutely no information about the "Rezone Program" component other than a statement that the "Rezone Program" is part of the HEU Project and it "aims to focus growth and density increase in the unincorporated areas". And, though DRP has developed a preliminary list of areas where rezoning will occur, it has not made this information available to the public; no maps or locational information is provided, so stakeholders cannot even conceive of the environmental impacts that will be created by this aspect of the Project, and they certainly cannot recommend alternatives or mitigation measures to reduce these unknown impacts. In other words, it seems to the ATC that the County's scoping process for the HEU Project is premature because the scope is so undefined at this point that stakeholders cannot provide meaningful scoping comments (which completely defeats CEQA's scoping purpose). This

would not really matter if the County had no obligation to conduct scoping for the HEU Project and were doing so merely as a courtesy to stakeholders, but that is not the case here. The HEU Project is of "Regional Significance" pursuant to Section 15206(b)(1) of CEQA, thus the County is obligated to conduct scoping in a manner that adheres to CEQA and achieves CEQA's scoping purpose. By initiating scoping without providing sufficient project details (such as potential rezone locations), the County prevents stakeholders from comprehending its environmental impacts and recommending feasible alternatives and mitigation measures to address such impacts. This does not comply with CEQA.

The ATC is also concerned by statements that were made to the public at the January 23, 2021 Scoping meeting. Specifically, in response to a question from an Acton resident regarding the HEU Project and its impacts on Acton, County representatives responded that "the housing element is just a planning document that does not construct or build anything" and that it is "just a facilitation document". The ATC is troubled by the content of these responses as well as the manner in which they were delivered because they gave the public the mistaken impression that, as a mere "document" that does not "construct or build anything", the "Housing Element Update Project" will, in and of itself, not cause any physical changes or result in any environmental impacts. The ATC points out that members of the public are not planning experts; they do not understand the very real and significant causal connection between Housing Element revisions and high-density development within their communities. So, when presenters at the CEQA scoping meeting responded to public questions regarding project impacts by stating that the project will not build or construct anything, they gave an appallingly false impression that environmental impacts are not likely to occur as a result of the project. The presenters should have given an open and honest answer by stating that, while the Housing Element Update Project itself does not directly build or construct anything, it will allow developers in all rezone areas to significantly increase housing densities (probably "by right" and thus without community input). And, if the high-density development authorized by the HEU Project will be "by right", then the presenters should have made it clear to the public that there will be no further CEQA review or opportunity for public comment on any of these high-density developments once the HEU Project is completed. The presenters did not do this, and the public was misled regarding the extent to which unspecified but extensive portions of unincorporated Los Angeles County will be forever changed by the high-density residential development that will result from the HEU Project.

If you have any questions or require further clarifications regarding the comments provided above, please do not hesitate to contact us at ATC@ActonTownCouncil.org.

Sincerely;
Jacqueline Ayer
Planning Committee Chairperson

